

HOUSE BILL NO. 222

INTRODUCED BY PARKER

BY REQUEST OF THE DEPARTMENT OF CORRECTIONS

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING FROM LOCAL GOVERNMENT USE TO USE BY
6 THE DEPARTMENT OF CORRECTIONS THE FEES IMPOSED ON PROBATIONERS AND PAROLEES FOR
7 THEIR SUPERVISION; REQUIRING A CONVICTED PERSON TO PAY A FEE TO COVER THE COSTS OF
8 PRODUCING A PRESENTENCE INVESTIGATION REPORT; ALLOWING A JUDGE WHO REVOKES A
9 SENTENCE SUSPENSION TO IMPOSE ANY SENTENCE THAT COULD HAVE BEEN IMPOSED THAT IS
10 NOT LONGER THAN THE ORIGINAL SENTENCE; IMPOSING A SUPERVISORY FEE ON PERSONS
11 SUPERVISED BY THE DEPARTMENT OF CORRECTIONS UNDER INTENSIVE SUPERVISION OR
12 CONDITIONAL RELEASE OR TRANSFERRING THEIR SUPERVISION TO ANOTHER STATE; PROVIDING
13 THAT IF A PERSON SUCCESSFULLY COMPLETES BOOT CAMP, THE REMAINDER OF A SENTENCE OF
14 IMPRISONMENT IS REPLACED WITH CONDITIONAL PROBATION; GIVING PROBATION AND PAROLE
15 OFFICERS THE SAME POWER TO ARREST AS PRIVATE CITIZENS HAVE A PROCEDURE FOR
16 SUSPENDING ALL OR PART OF THE REMAINING IMPRISONMENT SENTENCE OF A PERSON WHO
17 SUCCESSFULLY COMPLETES THE STATE BOOT CAMP; GIVING PROBATION AND PAROLE OFFICERS
18 AUTHORITY TO DETAIN A PERSON UNDER LIMITED CIRCUMSTANCES AND TO TURN THE PERSON
19 OVER TO A LAW ENFORCEMENT AGENCY OR PEACE OFFICER; AMENDING SECTIONS 45-1-121,
20 46-18-111, 46-18-203, 46-23-1031, AND 53-30-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
21 DATE."

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24
25 ~~Section 1. Section 15-1-121, MCA, is amended to read:~~
26 ~~"15-1-121. Entitlement share payment -- appropriation. (1) The amount calculated pursuant to this~~
27 ~~subsection is each local government's base entitlement share. The department shall estimate the total amount~~
28 ~~of revenue that each local government received from the following sources for the fiscal year ending June 30,~~
29 ~~2001:~~
30 ~~(a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter~~



- 1 584, Laws of 1999;
- 2 ~~—— (b) vehicle and boat taxes and fees pursuant to:~~
- 3 ~~—— (i) Title 23, chapter 2, part 5;~~
- 4 ~~—— (ii) Title 23, chapter 2, part 6;~~
- 5 ~~—— (iii) Title 23, chapter 2, part 8;~~
- 6 ~~—— (iv) 61-3-317;~~
- 7 ~~—— (v) 61-3-321;~~
- 8 ~~—— (vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment~~
- 9 ~~of 61-3-509 in 2001;~~
- 10 ~~—— (vii) Title 61, chapter 3, part 7;~~
- 11 ~~—— (viii) 5% of the fees collected under 61-10-122;~~
- 12 ~~—— (ix) 61-10-130;~~
- 13 ~~—— (x) 61-10-148; and~~
- 14 ~~—— (xi) 67-3-205;~~
- 15 ~~—— (c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);~~
- 16 ~~—— (d) district court fees pursuant to:~~
- 17 ~~—— (i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);~~
- 18 ~~—— (ii) 25-1-202;~~
- 19 ~~—— (iii) 25-1-1103;~~
- 20 ~~—— (iv) 25-9-506;~~
- 21 ~~—— (v) 25-9-804; and~~
- 22 ~~—— (vi) 27-9-103;~~
- 23 ~~—— (e) certificate of ownership fees for manufactured homes pursuant to 15-1-116;~~
- 24 ~~—— (f) financial institution taxes pursuant to Title 15, chapter 31, part 7;~~
- 25 ~~—— (g) coal severance taxes allocated for county land planning pursuant to 15-35-108;~~
- 26 ~~—— (h) all beer, liquor, and wine taxes pursuant to:~~
- 27 ~~—— (i) 16-1-404;~~
- 28 ~~—— (ii) 16-1-406; and~~
- 29 ~~—— (iii) 16-1-411;~~
- 30 ~~—— (i) late filing fees pursuant to 61-3-201;~~

- 1 ~~——(j) title and registration fees pursuant to 61-3-203;~~
 2 ~~——(k) disabled veterans' flat license plate fees and purple heart license plate fees pursuant to 61-3-332;~~
 3 ~~——(l) county personalized license plate fees pursuant to 61-3-406;~~
 4 ~~——(m) special mobile equipment fees pursuant to 61-3-431;~~
 5 ~~——(n) single movement permit fees pursuant to 61-4-310;~~
 6 ~~——(o) state aeronautics fees pursuant to 67-3-101; and~~
 7 ~~——(p) department of natural resources and conservation payments in lieu of taxes pursuant to Title 77,~~
 8 ~~chapter 1, part 5.~~
- 9 ~~——(2) (a) From the amounts estimated in subsection (1) for each county government, the department shall~~
 10 ~~deduct fiscal year 2001 county government expenditures for district courts, less reimbursements for district court~~
 11 ~~expenses, and fiscal year 2001 county government expenditures for public welfare programs to be assumed by~~
 12 ~~the state in fiscal year 2002.~~
- 13 ~~——(b) The amount estimated pursuant to subsections (1) and (2)(a) is each local government's base year~~
 14 ~~component. The sum of all local governments' base year components is the base year entitlement share pool.~~
 15 ~~For the purpose of calculating the sum of all local governments' base year components, the base year~~
 16 ~~component for a local government may not be less than zero.~~
- 17 ~~——(3) (a) Beginning with fiscal year 2002 and in each succeeding fiscal year, the base year entitlement~~
 18 ~~share pool must be increased annually by a growth rate as provided for in this subsection (3). The amount~~
 19 ~~determined through the application of annual growth rates is the entitlement share pool for each fiscal year. For~~
 20 ~~fiscal year 2002, the growth rate is 3%. For fiscal year 2003, the growth rate is 3% for incorporated cities and~~
 21 ~~towns, 1.61% for counties, and 2.3% for consolidated local governments. Beginning with calendar year 2004,~~
 22 ~~by October 1 of each even-numbered year, the department shall calculate the growth rate of the entitlement~~
 23 ~~share pool for each year of the next biennium in the following manner:~~
- 24 ~~——(i) Before applying the growth rate for fiscal year 2004 to determine the fiscal year 2004 entitlement~~
 25 ~~share pool, the department shall add to the fiscal year 2003 entitlement share pool the fiscal year 2003 amount~~
 26 ~~of revenue actually distributed to the county from the 25-cent marriage license fee in 50-15-301 and the~~
 27 ~~probation and parole fee in 46-23-1031(2)(b).~~
- 28 ~~——(ii) The department shall calculate the average annual growth rate of the Montana gross state product,~~
 29 ~~as published by the bureau of economic analysis of the United States department of commerce, for the following~~
 30 ~~periods:~~

1 ~~—— (A) the last 4 calendar years for which the information has been published; and~~
2 ~~—— (B) the 4 calendar years beginning with the year before the first year in the period referred to in~~
3 ~~subsection (3)(a)(ii)(A).~~
4 ~~—— (iii) The department shall calculate the average annual growth rate of Montana personal income, as~~
5 ~~published by the bureau of economic analysis of the United States department of commerce, for the following~~
6 ~~periods:~~
7 ~~—— (A) the last 4 calendar years for which the information has been published; and~~
8 ~~—— (B) the 4 calendar years beginning with the year before the first year in the period referred to in~~
9 ~~subsection (3)(a)(iii)(A).~~
10 ~~—— (b) (i) For fiscal year 2004 and subsequent fiscal years, the entitlement share pool growth rate for the~~
11 ~~first year of the biennium must be the following percentage of the average of the growth rates calculated in~~
12 ~~subsections (3)(a)(ii)(B) and (3)(a)(iii)(B):~~
13 ~~—— (A) for counties, 54%;~~
14 ~~—— (B) for consolidated local governments, 62%; and~~
15 ~~—— (C) for incorporated cities and towns, 70%.~~
16 ~~—— (ii) The entitlement share pool growth rate for the second year of the biennium must be the following~~
17 ~~percentage of the average of the growth rates calculated in subsections (3)(a)(ii)(A) and (3)(a)(iii)(A):~~
18 ~~—— (A) for counties, 54%;~~
19 ~~—— (B) for consolidated local governments, 62%; and~~
20 ~~—— (C) for incorporated cities and towns, 70%.~~
21 ~~—— (4) As used in this section, "local government" means a county, a consolidated local government, an~~
22 ~~incorporated city, and an incorporated town. A local government does not include a tax increment financing~~
23 ~~district provided for in subsection (6). For purposes of calculating the base year component for a county or~~
24 ~~consolidated local government, the department shall include the revenue listed in subsection (1) for all special~~
25 ~~districts within the county or consolidated local government. The county or consolidated local government is~~
26 ~~responsible for making an allocation from the county's or consolidated local government's share of the~~
27 ~~entitlement share pool to each special district within the county or consolidated local government in a manner~~
28 ~~that reasonably reflects each special district's loss of revenue sources listed in subsection (1).~~
29 ~~—— (5) (a) The entitlement share pools calculated in this section and the block grants provided for in~~
30 ~~subsection (6) are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for~~

1 distribution to local governments. Each local government is entitled to a pro-rata share of each year's entitlement
2 share pool based on the local government's base component in relation to the base year entitlement share pool.
3 The distributions must be made on a quarterly basis beginning September 15, 2001.

4 ~~———— (b) (i) For fiscal year 2002, the growth amount is the difference between the fiscal year 2002 entitlement~~
5 ~~share pool and the base year entitlement share pool. For fiscal year 2002, a county may have a negative base~~
6 ~~year component. For fiscal year 2003 and each succeeding fiscal year, the growth amount is the difference~~
7 ~~between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal~~
8 ~~year. For the purposes of subsection (5)(b)(ii)(A), a county with a negative base year component has a base year~~
9 ~~component of zero. The growth factor in the entitlement share must be calculated separately for:~~

10 ~~———— (A) counties;~~

11 ~~———— (B) consolidated local governments; and~~

12 ~~———— (C) incorporated cities and towns.~~

13 ~~———— (ii) In each fiscal year, the growth amount for counties must be allocated as follows:~~

14 ~~———— (A) 50% of the growth amount must be allocated based upon each county's percentage of the base year~~
15 ~~entitlement share pool for all counties; and~~

16 ~~———— (B) 50% of the growth amount must be allocated based upon the percentage that each county's~~
17 ~~population bears to the state population not residing within consolidated local governments as determined by~~
18 ~~the latest interim year population estimates from the Montana department of commerce as supplied by the~~
19 ~~United States bureau of the census.~~

20 ~~———— (iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as~~
21 ~~follows:~~

22 ~~———— (A) 50% of the growth amount must be allocated based upon each consolidated local government's~~
23 ~~percentage of the base year entitlement share pool for all consolidated local governments; and~~

24 ~~———— (B) 50% of the growth amount must be allocated based upon the percentage that each consolidated~~
25 ~~local government's population bears to the state's total population residing within consolidated local governments~~
26 ~~as determined by the latest interim year population estimates from the Montana department of commerce as~~
27 ~~supplied by the United States bureau of the census.~~

28 ~~———— (iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:~~

29 ~~———— (A) 50% of the growth amount must be allocated based upon each incorporated city's or town's~~
30 ~~percentage of the base year entitlement share pool for all incorporated cities and towns; and~~

1 ~~———(B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's~~
 2 ~~population bears to the state's total population residing within incorporated cities and towns as determined by~~
 3 ~~the latest interim year population estimates from the Montana department of commerce as supplied by the~~
 4 ~~United States bureau of the census.~~

5 ~~———(v) In each fiscal year, the amount of the entitlement share pool not represented by the growth amount~~
 6 ~~is distributed to each local government in the same manner as the entitlement share pool was distributed in the~~
 7 ~~prior fiscal year.~~

8 ~~———(vi) For fiscal year 2002, an amount equal to the district court costs identified in subsection (2) must be~~
 9 ~~added to each county government's distribution from the entitlement share pool.~~

10 ~~———(vii) For fiscal year 2002, an amount equal to the district court fees identified in subsection (1)(d) must~~
 11 ~~be subtracted from each county government's distribution from the entitlement share pool.~~

12 ~~———(6) (a) If a tax increment financing district was not in existence during the fiscal year ending June 30,~~
 13 ~~2000, then the tax increment financing district is not entitled to any block grant. If a tax increment financing~~
 14 ~~district referred to in subsection (6)(b) terminates, then the block grant provided for in subsection (6)(b)~~
 15 ~~terminates.~~

16 ~~———(b) One-half of the payments provided for in this subsection (6)(b) must be made by November 30 and~~
 17 ~~the other half by May 31 of each year. Subject to subsection (6)(a), the entitlement share for tax increment~~
 18 ~~financing districts is as follows:~~

| | | | |
|----|-----------------|------------------------|-----------|
| 19 | Cascade | Great Falls - downtown | \$468,966 |
| 20 | Deer Lodge | TIF District 1 | 3,148 |
| 21 | Deer Lodge | TIF District 2 | 3,126 |
| 22 | Flathead | Kalispell - District 1 | 758,359 |
| 23 | Flathead | Kalispell - District 2 | 5,153 |
| 24 | Flathead | Kalispell - District 3 | 41,368 |
| 25 | Flathead | Whitefish District | 164,660 |
| 26 | Gallatin | Bozeman - downtown | 34,620 |
| 27 | Lewis and Clark | Helena - # 2 | 731,614 |
| 28 | Missoula | Missoula - 1-1B & 1-1C | 1,100,507 |
| 29 | Missoula | Missoula - 4-1C | 33,343 |
| 30 | Silver Bow | Butte - uptown | 283,801 |

1 Yellowstone _____ Billings _____ 436,815

2 _____ (c) The entitlement share for industrial tax increment financing districts is as follows:

3 _____ (i) for fiscal years 2002 and 2003:

4 Missoula County _____ Airport Industrial _____ \$4,812

5 Silver Bow _____ Ramsay Industrial _____ 597,594;

6 _____ (ii) for fiscal years 2004 and 2005:

7 Missoula _____ County Airport Industrial _____ \$2,406

8 Silver Bow _____ Ramsay Industrial _____ 298,797; and

9 _____ (iii) \$0 for all succeeding fiscal years.

10 _____ (d) The entitlement share for industrial tax increment financing districts referred to in subsection (6)(c)

11 may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a

12 guaranty, a letter of credit, or a similar arrangement provided by or on behalf of an owner of property within the

13 tax increment financing industrial district.

14 _____ (e) One-half of the payments provided for in subsection (6)(c) must be made by July 30, and the other

15 half must be made in December of each year.

16 _____ (7) The estimated base year entitlement share pool and any subsequent entitlement share pool for local

17 governments do not include revenue received from countywide transportation block grants or from countywide

18 retirement block grants.

19 _____ (8) The estimates for the base year entitlement share pool in subsection (1) must be calculated as if

20 the fees in Chapter 515, Laws of 1999, were in effect for all of fiscal year 2001.

21 _____ (9) (a) If revenue that is included in the sources listed in subsections (1)(b) through (1)(p) is significantly

22 reduced, except through legislative action, the department shall deduct the amount of revenue loss from the

23 entitlement share pool beginning in the succeeding fiscal year and the department shall work with local

24 governments to propose legislation to adjust the entitlement share pool to reflect an allocation of the loss of

25 revenue.

26 _____ (b) For the purposes of subsection (9)(a), a significant reduction is a loss that causes the amount of

27 revenue received in the current year to be less than 95% of the amount of revenue received in the base year.

28 _____ (10) A three-fifths vote of each house is required to reduce the amount of the entitlement share

29 calculated pursuant to subsections (1) through (3):

30 _____ (11) When there has been an underpayment of a local government's share of the entitlement share pool,

1 the department shall distribute the difference between the underpayment and the correct amount of the
 2 entitlement share. When there has been an overpayment of a local government's entitlement share, the local
 3 government shall remit the overpaid amount to the department.

4 ~~———— (12) A local government may appeal the department's estimation of the base year component, the~~
 5 ~~entitlement share pool growth rate, or a local government's allocation of the entitlement share pool, according~~
 6 ~~to the uniform dispute review procedure in 15-1-211."~~

7
 8 ~~———— **Section 2.** Section 46-18-111, MCA, is amended to read:~~

9 ~~———— "**46-18-111. Presentence investigation -- when required.** (1) Upon the acceptance of a plea or upon~~
 10 ~~a verdict or finding of guilty to one or more felony offenses, the district court shall direct the probation officer to~~
 11 ~~make a presentence investigation and report. The district court shall order the offender to pay a \$50 presentence~~
 12 ~~investigation report fee to the department of corrections unless the judge finds that the offender cannot pay the~~
 13 ~~fee. The department may use the fee to help cover the cost of producing the report. The district court shall~~
 14 ~~consider the presentence investigation report prior to sentencing. If the defendant offender was convicted of~~
 15 ~~an offense under 45-5-502, 45-5-503, 45-5-504, 45-5-505, 45-5-507, 45-5-625, or 45-5-627, the investigation~~
 16 ~~must include a psychosexual evaluation of the defendant offender and a recommendation as to treatment of the~~
 17 ~~defendant offender in the least restrictive environment, considering the risk the defendant offender presents~~
 18 ~~to the community and the defendant's offender's needs, unless the defendant offender was sentenced under~~
 19 ~~46-18-219. The evaluation must be completed by a sex offender therapist who is a member of the Montana sex~~
 20 ~~offender treatment association or has comparable credentials acceptable to the department of labor and~~
 21 ~~industry. The psychosexual evaluation must be made available to the county attorney's office, the defense~~
 22 ~~attorney, the probation and parole officer, and the sentencing judge. All costs related to the evaluation must be~~
 23 ~~paid by the defendant offender. If the defendant offender is determined by the district court to be indigent, all~~
 24 ~~costs related to the evaluation are the responsibility of the district court and must be paid by the county or the~~
 25 ~~state, or both, under Title 3, chapter 5, part 9.~~

26 ~~———— (2) The court shall order a presentence report unless the court makes a finding that a report is~~
 27 ~~unnecessary. Unless the court makes that finding, a defendant an offender convicted of any a felony offense~~
 28 ~~not enumerated in subsection (1) that may result in incarceration for 1 year or more may not be sentenced before~~
 29 ~~a written presentence investigation report by a probation and parole officer is presented to and considered by~~
 30 ~~the district court. The district court may order a presentence investigation for a defendant an offender convicted~~

1 ~~of a misdemeanor only if the defendant offender was convicted of a misdemeanor that the state originally~~
2 ~~charged as a sexual or violent offense as defined in 46-23-502."~~

3

4 **Section 1.** Section 46-18-203, MCA, is amended to read:

5 **"46-18-203. Revocation of suspended or deferred sentence.** (1) Upon the filing of a petition for
6 revocation showing probable cause that the offender has violated any condition of a sentence or any condition
7 of a deferred imposition of sentence, the judge may issue an order for a hearing on revocation. The order must
8 require the offender to appear at a specified time and place for the hearing and be served by delivering a copy
9 of the petition and order to the offender personally. The judge may also issue an arrest warrant directing any
10 peace officer or a probation and parole officer to arrest the offender and bring the offender before the court.

11 (2) The petition for a revocation must be filed with the sentencing court during the period of suspension
12 or deferral. Expiration of the period of suspension or deferral after the petition is filed does not deprive the court
13 of its jurisdiction to rule on the petition.

14 (3) The provisions pertaining to bail, as set forth in Title 46, chapter 9, are applicable to persons
15 arrested pursuant to this section.

16 (4) Without unnecessary delay, the offender must be brought before the judge, and the offender must
17 be advised of:

18 (a) the allegations of the petition;

19 (b) the opportunity to appear and to present evidence in the offender's own behalf;

20 (c) the opportunity to question adverse witnesses; and

21 (d) the right to be represented by counsel at the revocation hearing pursuant to Title 46, chapter 8, part

22 1.

23 (5) A hearing is required before a suspended or deferred sentence can be revoked or the terms or
24 conditions of the sentence can be modified, unless:

25 (a) the offender admits the allegations and waives the right to a hearing; or

26 (b) the relief to be granted is favorable to the offender and the prosecutor, after having been given
27 notice of the proposed relief and a reasonable opportunity to object, has not objected. An extension of the term
28 of probation is not favorable to the offender for the purposes of this subsection (5)(b).

29 (6) At the hearing, the prosecution shall prove, by a preponderance of the evidence, that there has been
30 a violation of the terms and conditions of the suspended or deferred sentence. However, when a failure to pay

1 restitution is the basis for the petition, the offender may excuse the violation by showing sufficient evidence that
 2 the failure to pay restitution was not attributable to a failure on the offender's part to make a good faith effort to
 3 obtain sufficient means to make the restitution payments as ordered.

4 (7) (a) If the judge finds that the offender has violated the terms and conditions of the suspended or
 5 deferred sentence, the judge may:

6 (i) continue the suspended or deferred sentence without a change in conditions;

7 (ii) continue the suspended sentence with modified or additional terms and conditions;

8 (iii) revoke the suspension of sentence and require the offender to serve either the sentence imposed
 9 or any ~~lesser~~ sentence that could have been imposed that does not include a longer imprisonment or
 10 commitment term than the original sentence; or

11 (iv) if the sentence was deferred, impose any sentence that might have been originally imposed.

12 (b) If a suspended or deferred sentence is revoked, the judge shall consider any elapsed time and either
 13 expressly allow all or part of the time as a credit against the sentence or reject all or part of the time as a credit.
 14 The judge shall state the reasons for the judge's determination in the order. Credit, ~~however~~, must be allowed
 15 for time served in a detention center or home arrest time already served.

16 (c) If a judge finds that an offender has not violated a term or condition of a suspended or deferred
 17 sentence, that judge is not prevented from setting, modifying, or adding conditions of probation as provided in
 18 46-23-1011.

19 (8) If the judge finds that the prosecution has not proved, by a preponderance of the evidence, that there
 20 has been a violation of the terms and conditions of the suspended or deferred sentence, the petition must be
 21 dismissed and the offender, if in custody, must be immediately released."
 22

23 **Section 2.** Section 46-23-1031, MCA, is amended to read:

24 **"46-23-1031. Supervisory fees -- account established.** (1) (a) Except as provided in subsection (1)(b),
 25 a probationer, ~~or~~ parolee, or person committed to the department who is supervised by the department under
 26 intensive supervision or conditional release shall pay TO THE CLERK OF THE DISTRICT COURT THAT HAS JURISDICTION
 27 OVER THE PERSON DURING THE PERSON'S SUPERVISION a supervisory fee of no less than \$120 a year and no more
 28 than \$360 a year, prorated at no less than \$10 a month for the number of months under supervision. A person
 29 allowed to transfer supervision to another state shall pay a fee of \$50 to cover the cost of processing the transfer.
 30 The fee INTERSTATE TRANSFER fees required by this subsection must be collected by the ~~clerk of the district court~~

1 with jurisdiction during the probationer's or parolee's period of supervision under this part department.

2 (b) The court, department, or the board may reduce or waive the a fee required by subsection (1)(a) or
3 suspend the monthly payment of the supervisory fee if it determines that the payment would cause the
4 probationer or parolee person a significant financial hardship.

5 (2) (a) There is an account in the state special revenue fund for the SUPERVISORY fees collected under
6 the provisions of this section.

7 (b) (i) ~~Prior to July 1, 2003, district court clerks~~ The department PRIOR TO JULY 1, 2003, DISTRICT COURT
8 CLERKS shall deduct from the total SUPERVISORY fees collected pursuant to subsection (1) the administrative cost
9 of collecting and accounting for the fees and shall deposit the remaining amount into the state special revenue
10 account established in subsection (2)(a). AFTER JUNE 30, 2003, DISTRICT COURT CLERKS SHALL DEPOSIT THE TOTAL
11 SUPERVISORY FEES COLLECTED PURSUANT TO SUBSECTION (1) INTO THE STATE SPECIAL REVENUE ACCOUNT
12 ESTABLISHED IN SUBSECTION (2)(A) AS SPECIFIED BY THE SUPREME COURT ADMINISTRATOR.

13 (ii) ~~After June 30, 2003, district court clerks shall deposit the fees into the state special revenue account~~
14 ~~established in subsection (2)(a) as specified by the supreme court administrator."~~

15

16 **Section 3.** Section 53-30-402, MCA, is amended to read:

17 **"53-30-402. ~~Sentence reduction for offenders~~ Completion of boot camp -- suspension of**
18 **sentence.** A sentencing court retains jurisdiction for purposes of this section. ~~A sentencing court may order a~~
19 ~~reduction of sentence for a convicted~~ If an offender who:

20 ~~_____ (1) is certified by the department as having successfully completed the boot camp incarceration~~
21 ~~program; and~~

22 ~~_____ (2) applies to the court within 1 year after beginning to serve a sentence at a correctional institution, the~~
23 ~~sentencing court shall suspend any remaining sentence of imprisonment, place the offender on probation during~~
24 ~~the suspended portion of the sentence of imprisonment, and impose conditions on the suspension; AT THE TIME~~
25 ~~OF SENTENCING, THE SENTENCING COURT MAY ORDER THAT IF THE CONVICTED PERSON SUCCESSFULLY COMPLETES THE~~
26 ~~BOOT CAMP INCARCERATION PROGRAM;~~

27 (1) THE COURT WILL CONSIDER A PETITION FROM THE PERSON, AFTER WHICH THE COURT MAY SUSPEND ALL OR
28 PART OF THE REMAINDER OF THE PERSON'S SENTENCE OF IMPRISONMENT; OR

29 (2) A PART OR ALL OF THE REMAINDER OF THE PERSON'S SENTENCE OF IMPRISONMENT, AS DETERMINED BY THE
30 COURT AT THE TIME OF SENTENCING, IS AUTOMATICALLY SUSPENDED ON CONDITIONS IMPOSED BY THE COURT AT THE TIME

1 OF SENTENCING."

2

3 NEW SECTION. Section 4. Arrest by probation and parole officer. A probation and parole officer
4 ~~may arrest a person when there is~~ WHO, WHILE IN THE COURSE OF CONDUCTING THE OFFICER'S DUTIES, HAS A
5 REASONABLE SUSPICION THAT A PERSON IS INTERFERING OR WILL INTERFERE WITH THE OFFICER'S DUTIES OR HAS
6 probable cause to believe that the person is committing or has committed an offense and that the existing
7 circumstances require the person's immediate arrest MAY DETAIN THE PERSON. The probation and parole officer
8 shall immediately notify the nearest available law enforcement agency or peace officer, and ~~give custody of the~~
9 ~~person arrested to the officer or agency~~ THE LAW ENFORCEMENT AGENCY OR PEACE OFFICER SHALL EITHER TAKE THE
10 PERSON INTO CUSTODY OR RELEASE THE PERSON.

11

12 NEW SECTION. Section 5. Codification instruction. [Section 6 4] is intended to be codified as an
13 integral part of Title 46, chapter 6, part 5, and the provisions of Title 46 apply to [section 6 4].

14

15 NEW SECTION. SECTION 6. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 29 AND [THIS ACT] ARE BOTH
16 PASSED AND APPROVED, THEN [SECTION 1 OF HOUSE BILL NO. 29], AMENDING 53-30-402, IS VOID.

17

18 NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval.

19

- END -